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Attorneys for Defendants Bank of America, NA  
and Mortgage Electronic Registration Systems, Inc.

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
MEDFORD DIVISION

**CV '10 - 5111 PA**

**IVAN HOOKER and KATHERINE  
HOOKER,**

Case No. \_\_\_\_\_

Plaintiffs,

Defendant Bank of America, NA's  
**NOTICE OF REMOVAL**

v.

**NORTHWEST TRUSTEE SERVICES,  
INC.; BANK OF AMERICA, NA;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,**

Pursuant to 28 U.S.C. §§ 1332, 1441, and  
1446 (DIVERSITY)

Jackson County Circuit Court  
Case No. 10-4576-E-3

Defendants.

TO: United States District Court for the District of Oregon; Clerk of the Jackson County  
Circuit Court; and to James J. Stout, attorney for plaintiffs

**PLEASE TAKE NOTICE** that defendant Bank of America, NA removes to this Court  
the state court action described below. Removal of this action is proper based on the following  
facts:

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**ORIGINAL**

# 36355

707220.0017/878482.1

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1. On or about September 8, 2010, an action was filed in the Jackson County Circuit Court entitled *Ivan Hooker and Katherine Hooker v. Northwest Trustee Services, Inc.; Bank of America, N.A.; Mortgage Electronic Registration Systems, Inc.*, Case No. 10-4576-E-3 (the "State Court Action"). Pursuant to 28 U.S.C. § 1446(a), copies of "all process, pleadings, and orders" Bank of America has received are attached as Exhibit 1.

2. Bank of America has notice of the State Court Action, but it is not clear whether it has been served with a copy of the summons and complaint. A summons and complaint was first provided to another defendant in the State Court Action on September 8, 2010. Notice to Bank of America of the State Court Action has not occurred before September 8, 2010. Therefore, pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely because it is being filed "within thirty days after the receipt by the defendant \* \* \* of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based \* \* \*."

3. This action is a civil action over which this Court now has original jurisdiction pursuant to 28 U.S.C. § 1332 (diversity of citizenship). The citizenship of each of the parties when the State Court Action was filed and as of the date of this Notice of Removal is:

a. Plaintiffs Ivan Hooker and Katherine Hooker were and are citizens of the state of Oregon.

b. Defendant Northwest Trustee Services, Inc. is a Washington corporation with its principal place of business in Washington.

c. Defendant Bank of America, NA was and is a national banking association with its main office, as set forth in its articles of association, located in North Carolina.

d. Defendant MERS, at all times relevant, was and is a Delaware corporation with its principal place of business in Virginia.

e. None of the defendants is a citizen of the state of Oregon.

4. Plaintiffs' Complaint seeks relief in excess of the amount in controversy requirements of 28 U.S.C. § 1332(a). Plaintiffs seek, among other relief, a declaration that they

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are the owners of certain real property free and clear of all encumbrances claimed by one or more of the defendants including a loan in the amount of \$260,000 secured by a deed of trust.

5. All defendants consent to removal.

6. Based on the foregoing, this action is one that may be removed to this Court pursuant to 28 U.S.C. § 1441.

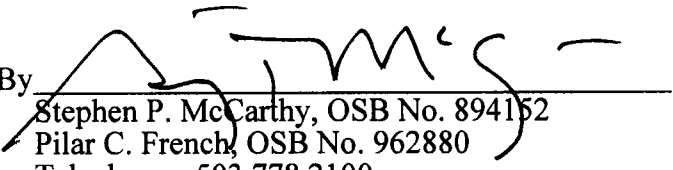
7. A copy of this Notice of Removal is being promptly filed with the Jackson County Circuit Court Clerk and provided to plaintiff as required by 28 U.S.C. § 1446(d).

THEREFORE, this case should proceed in this Court as properly removed.

DATED: October 7, 2010

LANE POWELL PC

By

  
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Attorneys for Defendants Bank of America, NA  
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Inc.

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**CERTIFICATE OF SERVICE**

I hereby certify that, I will cause to be served on plaintiff's counsel, at the address listed below, a copy of the foregoing **Notice of Removal** attached to a document entitled Notice to Adverse Party of Removal to Federal Court which will be filed with the Jackson County Circuit Court:

James J. Stout, Esq.  
James J. Stout P.C.  
419 S Oakdale Avenue  
Medford, OR 97501-3523

- ☐ by **CM/ECF**
- ☐ by **Electronic Mail**
- ☐ by **Facsimile Transmission**
- ☐ by **First Class Mail**
- ☐ by **Hand Delivery**
- ☒ by **Overnight Delivery**

  
\_\_\_\_\_  
Stephen P. McCarthy

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